

## REMARKS

Claims 1-25 are currently active.

Antecedent support for the amendments to the claims is found in Claim 23 and figure 1 for the flat portion that extends from the edge to the end of the chock, and the chock is made from many distinct pieces.

The Examiner has objected to Claims 17, 18 and 19. Respectfully, applicants have chosen the order of the claims and they refer to different embodiments. If these claim numbers are changed, then it would place other claims into the same position. It is respectfully submitted there is nothing wrong with these claims.

The Examiner has rejected Claim 22 under 35 U.S.C. 112, first paragraph. The Examiner states that the specification does not support "the step of supporting a load of at least 5 tons." In response, on page 7, lines 1-4, it states that there is the step of supporting a load of nearly 5 tons. Accordingly, this limitation is supported by the specification.

The Examiner has rejected Claims 21 and 22 under 35 U.S.C. 112, second paragraph. Claim 21 has been amended to obviate this rejection. In regard to Claim 22, as

explained above, the specification states of "the step of supporting a load of least 5 tons."

Accordingly, this rejection is obviated.

The Examiner has rejected Claims 1-6, 11 and 17 as being anticipated by the German reference. Applicants respectfully traverse this rejection. A copy of the translation of the German patent is enclosed.

Claim 1, as amended, has a limitation that each notch having only one edge and a flat portion that extends from the edge to the end of the chalk. As is clear from all the different embodiments shown in the German patent, the chock is one continuous piece that has two edges with a flat portion in between to form a notch. Accordingly, the German patent does not teach or suggest the limitations of Claim 1. Claims 2-6 and 17 are dependent to parent Claim 1 and are patentable for the reasons Claim 1 is patentable over the German reference.

Claim 11 is patentable over the German reference because there is no teaching or limitation of "a first block and a second block that are distinct pieces from the primary piece disposed on the top and bottom, respectively".

The Examiner has rejected Claims 1-6, 11 and 17 as being anticipated by Reinmann. Applicants respectfully traverse this rejection. Reinmann is like the German reference in that there are two edges with a flat portion in between to form the notch, and the chock is one continuous piece. For the reasons explained above why these claims are patentable over the German reference, these claims are also patentable over Reinmann.

The Examiner has rejected Claims 1-11, 17, 18 and 21 as being anticipated by Flath. Applicants respectfully traverse this rejection. Flath is like the German reference in that there are two edges with a flat portion in between to form the notch, and the chock is one continuous piece. For the reasons explained above why these claims are patentable over the German reference, these claims are also patentable over Flath. Claim 21 is patentable for the reasons Claim 1 is patentable.

The Examiner has rejected Claims 1-7, 11, 17, 18 and 21 as being anticipated by Hahn. Applicants respectfully traverse this rejection. Hahn does not teach or suggest the limitation that "each notch having only one edge and a flat portion that extends from the edge to the end of the chalk", nor the limitation of "a first block and a second block that are distinct pieces from the primary piece disposed on the top and bottom, respectively". Accordingly, Claims 1-7, 11, 17, 18 and 21 are patentable over Hahn for either of these two reasons, depending on the limitations of each claim.

The Examiner has rejected Claims 23-25 as being anticipated by Rothenberg. Applicants respectfully traverse this rejection. First, Claim 23 is a method claim, where the actual application identified is given weight. The preamble of Claim 23 clearly refers to a mine roof crib to support a mine roof. Rothenberg teaches a toy. Secondly, there is no teaching or suggestion of a primary piece that is a single piece of material. Accordingly, Claims 23 that 25 are patentable over Rothenberg.

The Examiner has rejected Claims 21 and 22 as being unpatentable over McDaniel. Applicants respectfully traverse this rejection. The Examiner is of the position that it would be obvious for one skilled in the art to take the cribbing taught by McDaniel and place it within an underground environment such as within a mine or tunnel. Applicants respectfully traverse this rejection. As the Examiner is aware, a reference must be taken as a whole, and the teachings within it cannot be ignored. The cribbing taught by McDaniel is for the purpose of a dike construction that is particularly impervious to leakage of water. See column 1, lines 5-12. To support such a purpose regarding a dike, Andy teaches the cribbing units are formed of concrete. See column 2, line 5. Simply speaking, one skilled in the art would never consider the cribbing taught by McDaniel for placement in a mine, because the concrete would be too heavy to transport into a mine. Thus, not only would one skilled in the art have to consider taking the cribbing for the purpose of the construction of a dike and apply it towards a mine, but also have to change the very material that is taught by the McDaniel to

be used for this purpose of construction of a dike. Accordingly, Claims 21 and 22 are not obvious from McDaniel and are patentable.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-25, now in this application be allowed.

Respectfully submitted,

G. RORY PATON-ASH, ET AL.

By Ansel M. Schwartz

Ansel M. Schwartz, Esquire

Reg. No. 30,587

One Sterling Plaza

201 N. Craig Street

Suite 304

Pittsburgh, PA 15213

(412) 621-9222

Attorney for Applicants

**CERTIFICATE OF MAILING**

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on 10/24/03

Ansel M. Schwartz  
Ansel M. Schwartz  
Registration No. 30,587  
10/24/03  
Date